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April 3, 2008

VIA HAND DELIVERY

The Honorable Richard M. Berman United States District Judge Southern District of New York United States Courthouse 500 Pearl Street New York, New York 10007

Re: WPP Properties and WPP Group USA, Inc. v. John Doe

08-CV-2873 (RMB)

Dear Judge Berman:

This firm represents the plaintiffs WPP Properties and WPP Group USA, Inc. ("WPP") in the above matter. We have received notice that Your Honor has scheduled an initial pre-trial conference on April 15, 2008 at 9:00 am and write to request that this pre-trial conference be adjourned until WPP is able to effectuate service on a named defendant in this case.

WPP commenced the instant action because it believes it is the victim of a phishing scam. Specifically, WPP has received at least 9 email communications in which an unknown individual misuses the WPP mark and fraudulently offers employment opportunities with "WPP Group" and/or attempts to solicit personal information from the email recipients. These emails, in English, Spanish and Italian, open by saying "Welcome to WPP Group." They claim that "WPP Group" is seeking a "Representative" for a part-time job which will "offer extremely competitive graduate salaries." Recipients of such emails are directed to send an email to G-Mail addresses (which in most instances contain a reference in such address to "WPP") so that a representative of "WPP Group" can make contact with the recipient and answer all questions. In at least one instance, the sender of these emails provided a follow-up communication, from a G-Mail address, asking the recipient to sign a contract with WPP Group and to provide his or her full name, full address, the name of the recipient's bank with account and routing numbers, along with a copy of the recipient's photo ID or driver's license.

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The sender of these emails is not affiliated with WPP and WPP is not offering the job opportunities described in these emails. Nor has WPP authorized the use of its mark in connection with these communications. Thus, WPP has claims against this unknown G-Mail user sounding in trademark infringement, false designation of origin, unfair competition and deceptive acts and practices.

WPP contacted Google Inc. ("Google") in an attempt to discover the identity of the G-Mail user sending these emails and/or receiving responses from the recipients. Google advised WPP that it could only provide such information pursuant to a valid thirdparty subpoena. WPP commenced the instant action against a John Doe so it could issue such a subpoena to Google. WPP served its subpoena immediately upon receipt of the above index number and has received a response from Google that it will comply with the subpoena by mid-April. WPP is hopeful that the information it receives from Google will allow it to amend its complaint to name a defendant.

Accordingly, WPP requests that the initial pre-trial conference in this matter be adjourned until after it is able to name and serve a defendant in this case. We will contact the Court to discuss the timing of such amendment and service after we receive Google's response to the subpoena.

Respectfully submitted,

Author J. Cluste

Jennifer Tafet Klausner

JTK/lk

CONFERENCE	ADJOUENED T 9:15 A.M.	0 5/19/08
SO ORDERED: Date: 4 7 08	Richard M. Berman,	